GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department - Mandapeta Municipality – Disciplinary Proceedings instituted against Smt V.V.Kanya Kumari, former Municipal Commissioner, Mandapeta Municipality, East Godavari District under Rule 20 of APCS(CC&A) Rules,1991 – Enquiry conducted – Penalty of 'Censure' imposed – Orders issued - Appeal filed by Smt.V.V.Kanya Kumari, former Municipal Commissioner – Drop the punishment of "Censure" – Orders – Issued.

MUNICIPAL ADMINSTRATION AND URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 843 **Dated: 01-12-2017**

Read the following:-

1. G.O.Rt.No.723, Municipal Administration & Urban Development (Vig.I) Department, dated 12.10.2017.
2. From Smt.V.V.Kanya Kumari, Municipal Commissioner, Mandapeta Municipality, Appeal Petition, dated 27.10.2017.

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O R D E R:

Whereas, in the G.O. 1st read above, orders were issued, imposing a penalty of "Censure" against Smt.V.V.Kanya Kumari, former Municipal Commissioner, Mandapeta Municipality in terms of Rule 9 of A.P.Civil Services (CC&A) Rules, 1991 on the allegation that she failed to demolish the illegal construction of additional floor with large plinth area in deviation of the sanctioned plan in Mandapeta municipality though there was ample time.

2. Whereas, in the reference 2nd read above, Smt.V.V.Kanya Kumari, Municipal Commissioner, Mandapeta Municipality has filed Appeal Petition before the Government, stating that she approved Building plan for construction of ground floor 1st floor RCC slab roof building in D.No. 33-4-1, Mandapeta vide B.A No. 93/09/G1, dated 27.08.2009 in the name of Smt. Kallkuri Phani Bhanu Jaya Sree, W/o Gollababu. Later, she was transferred from Mandapeta Municipality to Sangareddy Municipality on 26.10.2009. Subsequently, Sri D.Durga Prasada Rao, Municipal Assistant Engineer was assumed as Municipal Commissioner as in-charge from 27.10.2009 to 20.11.2009. During the outdoor inspection, building inspector found that the building applicant proceeded with construction of building with plan deviation and the same was reported to in-charge Municipal Commissioner on 03.11.2009 and issued P.O. and C.O to building applicant on 03.11.2009 and 10.11.2009 respectively. The in-charge Municipal Commissioner issued notice U/s. 340 to building applicant to stop the construction activity and demolished the approved plan deviation on 11.11.2009. In the meanwhile, a Regular Municipal Commissioner was posted in Mandapeta on 21.11.2009.

(P.T.O.)

3. She has further stated that, it was assessed for property tax for financial year 2012-2013 vide Assessment No. 1061006665 with 10% of U.C. penalty. Further, the Building owner Smt. Kallakuri Phani Bhanu Jaya Sree regularized her plan deviations in BPS Scheme vide Proceeding No. BPS/MAN/14/5772815 dt. 30.12.2016. According to Building rules, an extent of 85.00sq.ft. of the Building applicant have to pay Rs. 125/- as Building License fee. But the applicant has committed to construct 85.00 sq.ft. unauthorizedly. Consequently, she paid Rs.44,414/- as penal amount under BPS and paid Rs.1,434/- (Rs. 239/- per half yearly since 2012 onwards) as U.C. penalty on property tax. The sum of Rs. 45,848/- instead of statutory building licenses fee Rs. 125/-. The Municipality levied penalty more than 366 times on statutory Building fee amount for plan deviation. Further, there is no financial loss to municipality.

4. She has also stated that, it is very unfortunate that Government made her a scapegoat, stopped her promotion and imposed penalty of censure against her even there is no roll in this libelous matter. She has therefore, requested the Government to revoke imposition of the penalty of censure on factual grounds.

5. The matter has been examined in detail and it is observed that the review petitioner herein had reportedly given plan permission on 27.08.2009 and got transferred out of the station on 27.10.2009 and hence for the subsequent deviations, the review petitioner cannot be held responsible. Even the Enquiry Officer held that all the charges are not held proved as against the individual. The fact remains that during inspection, the individual had directed the construction to be stopped and before taking further action, she was transferred out the station.

6. Government after careful examination of the mater, have decided to allow the appeal filed by individual and to modify the punishment of ''Censure'' to drop further action against Smt.V.V.Kanya Kumari, the then Municipal Commissioner, Mandapeta Municipality, East Godavari District. Accordingly, Government hereby order to drop further action against Smt.V.V.Kanya Kumari, the then Municipal Commissioner, Mandapeta Municipality, East Godavari District.

7. The Director of Municipal Administration, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
Smt V.V.Kanya Kumari, the then Municipal Commissioner, Mandapeta Municipality through the Director of Municipal Administration, A.P, Guntur.

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The Director of Municipal Administration, A.P., Guntur.

Copy to**:**

The G.A.(V&E) Department.

The Secretary to APVC, 5th Block, A.P. Secretariat, Velagapudi.

The Commissioner, Mandapeta Municipality, East Godavari District.

The M.A. & U.D. (A) Department.

The Regional Director-Cum-Appellate Commissioner of Municipal Administration, Rajahmahendravaram.

SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER